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**Datasheet for the decision  
of 12 December 2014**

**Case Number:** T 0997/14 - 3.3.07

**Application Number:** 08013059.4

**Publication Number:** 2018843

**IPC:** A61K8/34, A61K8/41, A61K8/898,  
A61Q5/06, A61Q5/12

**Language of the proceedings:** EN

**Title of invention:**  
Conditioning and colouring composition for hair

**Patent Proprietor:**  
Kao Germany GmbH

**Opponent:**  
Henkel AG & Co. KGaA

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 99(2), 101(1), 126(2)

**Keyword:**  
Admissibility of appeal - missing statement of grounds



**Beschwerdekammern  
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Case Number: T 0997/14 - 3.3.07

**D E C I S I O N  
of Technical Board of Appeal 3.3.07  
of 12 December 2014**

**Appellant:** Kao Germany GmbH  
(Patent Proprietor) Pfungstädter Strasse 92-100  
64297 Darmstadt (DE)

**Representative:** Grit, Mustafa  
Kao Germany GmbH  
Pfungstädterstraße 92-100  
64297 Darmstadt (DE)

**Respondent:** Henkel AG & Co. KGaA  
(Opponent) Henkelstrasse 67  
40589 Düsseldorf (DE)

**Representative:** Henkel AG & Co. KGaA  
Patente (FJI)  
40191 Düsseldorf (DE)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 7 April 2014  
revoking European patent No. 2018843 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chairman** J. Riolo  
**Members:** D. Semino  
D. T. Keeling

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Opposition Division of 18 March 2014, posted on 7 April 2014.
- II. The appellant filed a notice of appeal on 21 April 2014 and paid the appeal fee on the same day.
- III. By communication of 10 September 2014, received by the appellant on 19 September 2014, the Registry of the Board informed the appellant that it appeared from the file that no written statement of grounds of appeal had been filed and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

### **Reasons for the Decision**

The decision under appeal is deemed to have been notified to the appellant on 17 April 2014 in accordance with Rule 126(2) EPC. The time limit for filing a written statement setting out the grounds of appeal expired on 17 August 2014 in accordance with Article 108, third sentence, EPC. No written statement setting out the grounds of appeal has been filed. In addition, neither the notice of appeal nor any other document filed by the appellant contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore the appeal must be rejected as inadmissible under Rule 101(1) EPC.

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



N. Schneider

J. Riolo

Decision electronically authenticated